

Application No: CH/14/0252

Received: 09-Jul-2014

Location: Pied Piper, 114, Pye Green Road, Cannock

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Residential development:- Demolition of existing public house and erection of a two storey block of 16 flats and two semi-detached bungalows for assisted living accommodation.

Application Type: Full Planning Application Major

RECOMMENDATION S 106, Then Approval with Conditions

Reasons for the Grant of Permission

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/or the National Planning Policy Framework.

1. B2 Standard Time Limit
2. D1 Materials - Details Required
3. C11 Completion of Access
4. C13 Provision of parking and access
5. C9 Surfacing of Access Drive
6. E1 Tree & Hedge Retention
7. E10 Landscape Details Required
8. E12 Landscape Implementation
9. E15 Landscape Maintenance
10. E2 Tree & Hedge Protection Details
11. E3 Tree & Hedge Protection Implementation
12. E6 Arboricultural Work
13. E7 Arboricultural Work Implementation
14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To prevent pollution of controlled waters receptors in the area

15. Prior to commencement of development, the recommendations for further work outlined in the Clancy Consultancy Environmental Report (ref 10/0624/001) shall be undertaken with the findings and any subsequent remediation works agreed in writing with the local planning authority.

Reason

In the interest of public health and safety and to comply with the NPPF.

16. Any top soils imported into the site for use on amenity areas should be certified suitable for use and free from contamination.

Reason

In the interest of public health and safety and to comply with the NPPF.

17. The residential units shall remain as 'Supported living' and shall be controlled by a registered provider for the life of the development.

Reason

To ensure the development complies with the requirements of Local Plan Policy CP7 and the NPPF.

18. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution

19. No demolition or construction works shall be undertaken in association with the development hereby approved outside the hours of 7:00hrs and 19:00hrs Monday to Friday, 7:00hrs and 13:00hrs on Saturdays and at no time on Sundays, Bank or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of the amenity of nearby neighbours. In accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

20. The development hereby approved shall be carried out in accordance with the recommendations of 'Curious Ecologists' bat risk assessment submitted with the application.

Reason

In the interests of preserving protected species in accordance with the NPPF.

21. Approved Plans

Reason for Committee decision: Considerable public objection

EXTERNAL CONSULTATIONS

Environment Agency – no objection subject to conditions

Parish Council objections

Staffordshire County Council (Education) – no requirement for education contribution

Staffordshire County Council (Highways) - no objection

Severn Trent Water – no objection subject to conditions

INTERNAL COMMENTS

Ecological Officer – no objection subject to conditions

Environmental Protections – no objection subject to conditions

Housing Strategy – no objection subject to conditions

Trees, Landscape and Countryside - no objection subject to conditions

RESPONSE TO PUBLICITY

Site notice and adjacent occupiers notified with 22 letters of objection and 1 letter of support received and a petition comprising 237 signatures. Material issues raised:-

- Loss of community facility and lack of similar facilities nearby
- Poor design/layout/siting
- Lack of parking
- Highway safety/visibility
- Poor landscaping
- Loss of light
- Noise and disturbance including from proposed access and parking areas
- Impact upon protected species
- Loss of trees
- Loss of privacy to neighbouring properties

PLANNING HISTORY

None

1. SITE AND SURROUNDINGS

- 1.1. The application site comprises a detached two storey public house set on a 0.27ha site roughly triangular in shape on the junction of Pye Green Road and Old Fallow Road.
- 1.2. The site is situated 0.7km north of Cannock Town centre and is adjacent to a small local parade that comprises a fish and chip shop, dry cleaners, launderette and a hairdresser.
- 1.3. Other than these units the area is wholly residential with a mix of two storey dwellings and bungalows. There are two storey dwellings opposite the site on Old Fallow Road and Pye Green Road that face towards the site, there are further two storey dwellings to the rear of the site that face Hamelin Street that back onto the site with relatively short gardens (9.5m in length). To the east of the site is number 177 Old Fallow Road which is a bungalow that runs parallel to the application site and there is a further bungalow, number 17 Hamelin Street to the rear of the site that has a flank wall facing the site at a distance of 7m.
- 1.4. The application site comprises a 1960s built, two storey, brick and render building set 14.5m back from the front of the site with a large car park and outdoor seating area to the front of the building. There are two existing access points onto the car park areas, one that connects to Pye Green Road and the other to Old Fallow Road.
- 1.5. To the side and rear of the building is the pub garden which also comprises a number of trees. Two of the trees towards the rear of the site have been protected by way of a TPO that has been issued following receipt of the planning application. There are two large Oak trees within the site that have not been TPO'd due to their poor condition but they do show features of being veteran trees. There are a number of further trees along the boundaries with the properties on Hamelin Street
- 1.6. The pub comprises a bar area as well as a function room to the rear and, based on the objections received, appears to be utilised by various sports and community clubs for meetings throughout the week.
- 1.7. The nearest public houses are the Roebuck (Stafford Road) which is 600m (0.4 miles) to the south of the site, and the White Lion (Stafford Road) which is 1km (0.6 miles) to the west. The town centre comprises a number of further public houses.

- 1.8. The site has been up for sale since January 2014 and has been marketed by Colliers International through their website and targeted mailshots.

2. PROPOSAL

- 2.1. The proposal is for the demolition of the pub and the construction of a two storey building comprising 16 ‘supported living’ flats to the front of the site and a single storey building comprising two further ‘supported living’ flats at the rear of the site. All of the units would have one bedroom.
- 2.2. The proposal also includes parking areas utilising the existing site access to provide a total of 18 spaces.
- 2.3. The proposed residential units are to be managed and operated by ‘Lifeways’ and ‘Inclusion Housing’. The units will be for ‘vulnerable adults’ that is, adults with some degree of physical or learning disabilities that requires a degree of care, but to a sufficiently low level that they are capable of independent living. The supported living concept is aimed at allowing the occupants as full a degree of freedom as possible but offers care within the residents’ homes whenever it is needed.
- 2.4. The proposal comprises two main elements. The first is a two storey building comprising 8 apartments for adults with mental disabilities and 8 adapted flats for those with physical disabilities. The block also includes a staff office, single bedroom and bathroom to provide overnight accommodation and various plant/boiler rooms.
- 2.5. The proposed building would be 33m wide and 19m deep with a pitched roof to a height of 8.4m. The building would be sited 3.5m back from the footpath to the front of the site with a projecting two storey section in the centre. The building has a generally flat frontage, other than the projecting two storey element and includes vertical sections of render and brickwork. The render panels include projecting gables. Two chimneys have been added to the roof which is of a continuous pitch and slope across the width of the building.
- 2.6. The second element of the proposal is a single storey building comprising two further flats each with an area of private garden to the rear. This block would have a brick and tile construction with a hipped roof to a height of 5.3m.
- 2.7. The proposal includes two parking areas; one would comprise 8 car parking spaces (including 2 disabled) a refuse store and separate collection point and a scooter store to be accessed from a new access at the north east of the site onto Old Fallow Road. This access would be a relocation of the existing car park access that would become redundant. The second parking area is to the south of the site and reuses the existing access onto Pye Green Road. This parking area

would comprise 8 parking spaces adjacent to the main block with an access leading to a further two spaces and a turning head adjacent to the proposed bungalow.

- 2.8. The refuse and scooter stores would be constructed from solid timber panel fencing with a sheet metal roof over the scooter store.
- 2.9. The applicant has stated that there will be 2 or 3 members of staff at the site during the day and 2 overnight.

3. PLANNING POLICY

- 3.1. Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2. The Development Plan currently comprises the Cannock Chase Local Plan (2014)
- 3.3. Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.

Cannock Chase Local Plan (2014)

- 3.4. CP3 - Chase Shaping – Design
High quality design will be a requirement of all development. Particular facets of good design will include response to climate change challenges, providing access for all and designing out crime. Development proposals should complement and enhance the character and appearance of the local area, be well related to existing buildings and successfully integrate with existing trees and landscape features.
- 3.5. CP5 - Social Inclusion and Healthy Living
The retention and addition of community facilities is recognised as an important consideration in overall development of the district and will in part be addressed via developer contributions. Proposals should make a positive contribution to provision of infrastructure, design and layout which supports social inclusion and healthy living for sustainable communities.
- 3.6. CP7 - Housing Choice
Delivery of affordable housing is prioritised by the Council for the District. Both the Cannock and Rugeley housing markets also need to be balanced by building more smaller dwellings suitable for younger people as well as larger 3 and 4 bedroom homes. The ageing District population profile means that housing elderly people will be increasingly important during the plan period.

Providing a choice of options including supported independent living, sheltered accommodation and care homes including ‘extra care’ developments is identified as the way forward. Providing for the accommodation needs of Gypsies, Travellers and Travelling Showpeople is also an identified priority with an area of search identified for sites along the A5 corridor.

Affordable housing financial contribution for 1 -14 dwellings and on-site provision 15+

- 3.7. CPI3 - Cannock Chase Special Area of Conservation (SAC)
Protection of all internationally important habitats and species, in particular the Cannock Chase SAC, is informed by the findings of a Habitats Regulations Assessment. As a result, all housing development will be required to provide appropriate mitigation measures, potentially including provision of Suitable Alternative Natural Green Space (SANGS).

National Planning Policy Framework

- 3.8. The NPPF sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “presumption in favour of sustainable development”.
- 3.9. All the **core planning principles** have been reviewed and those relevant in this case are that planning should:-
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
 - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

- 3.10. **Key provisions** of the NPPF relevant in this case:
- 3.11. The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate.
- 3.12. Paragraph 20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 3.13. 4. Promoting Sustainable Transport
- 3.14. Paragraph 30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion
- 3.15. Paragraph 32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment and account should be taken of the opportunities for sustainable transport modes
- 3.16. Paragraph 35. Developments should be located and designed where practical to:-
 - accommodate the efficient delivery of goods and supplies;
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities by all modes of transport.
- 3.17. 6: Delivering a wide choice of high quality homes
- 3.18. Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 3.19. Paragraph 50 seeks to deliver a wide choice of quality homes and states local planning authorities should plan for a mix of housing.
- 3.20. 7. Requiring good design
- 3.21. Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 3.22. Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.
- 3.23. Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:-
- Function well and add to the overall quality of the area
 - Establish a strong sense of place
 - Respond to local character and history and reflect the identity of local surroundings and materials
 - Are visually attractive as a result of good architecture and appropriate landscaping
- 3.24. Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.
- 3.25. Paragraph 64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 3.26. 8. Promoting Healthy Communities
- 3.27. Paragraph 70. ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community. Decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Residential Extensions Design Guide

- 3.28. This supplementary planning guidance details what is required to ensure that development is of the highest design standards and that amenity of neighbouring residential properties will be protected. Although the title refers to extensions the principles within the guide can be applied to all residential development. It includes the following minimum separation distances –
- Facing principal windows should be separated by at least 21.3m (70ft)
 - There should be no obstruction of light above a vertical angle of 25° measured from the centre of the windowsill within any horizontal sweep of 45° excluding the angle within 45° of the windowpane. The measurement for patio windows is taken at a height of 1.2m above floor level. – This standard will not be applied to side facing windows, however some account of daylight to these windows will need to be taken.
 - Where the side of one dwelling faces the rear of a neighbouring property, as a guideline the minimum distance between the two-storey

parts of each dwelling should be 13.7m (45ft) to avoid any overbearing effect. This distance can be reduced if the proposed development is on lower ground or only extends partially across the facing windows. A minimum distance of 12.2m (40ft) should be achieved.

Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport (SPD)

- 3.29. This document sets out the maximum number of parking spaces required for new development. Specifically it requires new one and two bedroom flats to have a maximum provision of 1.5 spaces per dwelling when it is provided as communal parking.

4. DETERMINING ISSUES

- 4.1. The determining issues for the application are:-

- Principle of development
- Loss of the community facility
- Design
- Access and parking
- Impact upon neighbouring dwellings
- Existing trees
- Landscaping
- Ecology
- Affordable housing provision
- Impact upon the Cannock Chase Special Area of Conservation

4.2. Principle of development

- 4.3. The proposal is for a residential use, the flats will be independent units and not operated as a residential care facility. The site is within a mixed use area comprising predominantly residential use and would constitute the redevelopment of previously developed land. As such the principle of residential re-development of the site is acceptable subject to the further considerations below.

4.4. Loss of community facility

- 4.5. The Pied Piper public house has been in operation since its construction in the 1960s. It has been most recently owned by Marston's brewery who decided in January 2014 to put the pub up for sale and employed Colliers International to market the pub. The applicant claims that the pub is no longer economically viable and the owner wishes to dispose of the land. The pub functions as a community facility by providing a distinctive informal social gathering space as

well as a more formal meeting space for community groups. There are other public houses less than half a mile away and further pubs and community facilities within Cannock Town Centre less than a mile away. Recently a nomination has been accepted by the Council to list the pub as an Asset of Community Value.

- 4.6. An Asset of Community Value (ACV) is a building or piece of land which has been nominated by a community group because it has performed a community function in the past. The Council assesses the proposed site against a few criteria including whether the site could be used for community activities in the future. If a site is accepted by the Council onto the list of ACVs should the owner wish to sell the building then they are to first notify the Council. The Council will then notify the community group that has nominated the building and they are given a 6 week period to register an expression of interest to bid for the site. If an expression of interest is received then a 6 month moratorium (including the initial 6 week period) is placed on the building to prevent its sale and to give the community group time to make an offer for the building. The seller is not inclined to sell to the community group and any other group/organisation is equally entitled to bid for the building.
- 4.7. An ACV status does not prevent the granting of planning permission for redevelopment as, should the community group successfully purchase the building then any consented development would not be carried out. It should also not delay the approval of development which is considered sustainable. Whilst the ACV status should not prevent planning consent being granted, it does give an indication that building is actively being used by the community.
- 4.8. The response to the planning application has included a petition of 237 signatures as well as 22 letters of objection on numerous grounds but almost all mention that they do not want the pub to close. This weight of public response demonstrates that even if it is considered 'unviable' by the brewery, the pub does provide a community benefit.
- 4.9. The applicant has stated that the proposed use of the site for accommodation for those who have mental or physical disabilities will also serve as a community benefit as it will allow for the local accommodation of residents with complex support needs. The applicant has also disclosed that they have received full support from the Cannock Chase Clinical Commissioning Group who have confirmed the need for this facility in the area. The proposal therefore would enable members of the community to help meet their day-to-day needs
- 4.10. The application presents a loss of one type of community facility with the provision of another. Both local and national guidance suggest that community facilities should not be unnecessarily lost, particularly where there would be no subsequent community benefit. It is considered that the presence of other public houses in close proximity to the application site (less than half a mile) and the

degree of community benefit that would be created by the proposed supported housing weigh in favour of the proposal. Overall the proposal is considered in accordance with Local Plan Policy CP5 and the NPPF.

4.11. Design

- 4.12. The main building is somewhat monolithic in form however the building has been broken up by the use of rendered sections and projecting gables to enliven the front elevation. The building would have a considerably larger footprint than the immediate neighbouring properties however the depth is similar to the terraced properties opposite the site (numbers 188-194 Old Fallow Road) and by introducing the central forward projection and the mix of brick and render panels the proposed building will appear as a row of terraced dwellings. The side elevations would also be visible due to the position of the building and as such a mix of brickwork and render panels has been used in conjunction with a ground and first floor window to help break up the elevation.
- 4.13. The main building would have a hipped roof that would help to reduce the overall mass and impact of the height of the building. The building would be higher than the neighbouring two storey buildings (by approximately 1.5m) but would not be so high as to appear out of character with the wider streetscene. Chimneys have been included to help break up the roofline however there is no variation within the plane and ridge height across the width of the roof.
- 4.14. The main building has been well sited in order to maximise the corner position of the site by facing both Pye Green Road and Old Fallow Road. The building would be set back from the footpath by 6m with a landscaped strip to the front that would contain some tree planting. The proposed building would be set closer to the highway than the existing building and it would therefore have a greater impact upon the streetscene than the relatively low-impact building currently on the site.
- 4.15. The smaller unit to the rear of the site would have a simple design with a hipped roof to a height of 5.2m. The bungalow would have canopy porches to the front doors and be constructed out of red brick and slate grey tiles. There would only be glimpses of the bungalow to either side of the main building at the front and overall the design would not have an adverse impact upon the streetscene.
- 4.16. Overall the design of the proposal would have a greater mass and impact upon the streetscene than the existing building on the site. The applicant has been requested to vary the roof height and increase the articulation of the building which has been done to an extent through the introduction of chimneys and the mix of materials. The applicant has however said that they are unable to incur any further building cost through enhancements without having to reconsider the scheme as a whole including the rents that would have to be charged to fund the operation. This may result in making the scheme unaffordable for potential

occupiers. On balance therefore it is considered that as there are no dwellings directly facing the front elevation of the property, the incorporation of the improvements mentioned above and the opportunities for landscaping to the front of the building that the proposal would still represent an improvement over the existing situation and is considered acceptable and in accordance with Local Plan Policy CP3 and the NPPF.

4.17. Access and parking

4.18. The proposal includes retaining the existing access on Pye Green Road and the relocation of the access on Old Fallow Road further away from the junction with Pye Green Road. The two access points have been assessed by the county highways department who have concluded that there would be no increase in highway impact over and above the existing access arrangements which is therefore considered acceptable.

4.19. The applicant has increased the number of spaces from the original proposal from 12 to 18 spaces. Although this is less than the maximum standard required (27 spaces) as many of the residents are unlikely to be able to drive due to mental or physical disabilities, it is unlikely that many will own cars. As such it is considered that one space per unit would be sufficient to ensure that if some of them do own cars there is space to park and there is also space for any members of staff that would be working at the site. The parking areas comprise sufficient space for vehicles to turn and exit the site in a forward gear.

4.20. Impact upon neighbouring dwellings

4.21. The nearest neighbouring properties opposite the site on Old Fallow Road (numbers 188-194) are 19m away from the proposed main block. As the proposed block would be at an angle to these dwellings there would be no windows looking directly towards the front windows of these properties and as such there would be no loss of privacy. Given the distance of the proposed building from these dwellings it would comply with the daylight standard when measured using the 45°/25° rule expressed within the Residential Extensions Design Guide.

4.22. The adjacent property on Pye Green Road (number 177) is parallel to the main proposed building. The proposed building has first floor windows that look towards the neighbouring garden but at an angle and at a distance of 13m (this is in excess of the recommended minimum of 10m) and as such there would be no loss of privacy to the neighbouring property. The proposed buildings would also comply with the daylight standard and as such there would be no material loss of privacy. The proposal retains the car parking area to the side of the neighbouring property however as the car park is already in existence, and any visitors/carers cars are likely to be coming and going within daytime hours it is

not considered that there would be an impact from noise or disturbance from cars.

- 4.23. Directly to the east of the site is number 17 Hamelin Street, an infill bungalow set behind the properties facing Hamelin Street. The proposed single storey unit would be 4m from the boundary with this property. Number 17 is set a further 8.5m from the proposed building at its closest point. As both buildings are single storey the presence of the existing 1.8m high screen fence will be sufficient to prevent any direct overlooking. Also given the distance between the two building the proposal complies with the daylight standard when measured from the nearest facing windows of the neighbouring property. Furthermore the use of the closest part of the application site as gardens to the proposed units is not likely to give rise to any significant noise or disturbance that would impact the amenity of the neighbouring occupiers.
- 4.24. There are a row of semi-detached two storey dwellings to the south which back onto the application site. These properties have 9.5m deep gardens. The proposed buildings are positioned at an angle from the properties to the south and as such none of the proposed windows face directly towards the neighbouring properties or their gardens. Notwithstanding this, the nearest point between an existing property and a proposed window is at a distance of 21m which is in accordance with the Council's privacy standard and as such is considered acceptable. Given the distance between the existing and proposed buildings the proposal complies with the Council's daylight standard to these neighbouring properties. The proposal includes a new driveway and parking area to the southern boundary adjacent to the rear gardens of numbers 5 and 7 Hamelin Street. This driveway will only serve the properties to the rear of the site and contains 2 parking spaces and a turning head. It is considered that such a low intensity of use would not be likely to give rise to any noise or disturbance from the use of these two parking spaces and as such is considered acceptable.
- 4.25. On the corner of Hamelin Street and Pye Green Road is a terrace of 4 retail units with some residential above. These flats do not directly face the application site and as such there would be no loss of privacy or daylight to these properties. Furthermore the proposed use is considered less intensive than the existing public house and is likely to result in a reduction of any noise and disturbance caused by activity at the public house.
- 4.26. There are properties facing the site the other side of Pye Green Road. These are a minimum of 25m from the application site and as such they are sufficiently distant for the proposal to comply with the Council's daylight and privacy standards so as not to have an adverse impact upon the amenity of the occupiers.
- 4.27. Existing trees

- 4.28. There are a number of existing trees on the site including two protected oak trees at the rear of the site and two mature oak trees that are to be removed. The oak trees that are to be removed are not protected and have not been considered worthy of protecting due to them both having sustained damage in the past and are in an impaired condition. The loss of these trees is regrettable however the proposal will include some replacement tree planting to the front which will compensate for the loss of the existing trees. The protected trees to the rear will be retained and protected throughout the construction period and for the life of the development.
- 4.29. Landscaping
- 4.30. The proposal includes a grass strip to the front of the site with some opportunities for tree planting directly in front of the building. The plans also indicate shrub planting around the parking areas. Given that currently the site is wholly hardstanding to the front it is considered that the proposed landscaping would be an improvement. The proposal also includes an area of enclosed communal garden to the rear of the main building and a private garden to each of the units within the bungalow. These garden areas will contain soft landscaping and tree planting to create an attractive environment for future occupiers. Overall the proposed landscaping will make the most of the planting opportunities on the site and improve the overall appearance of the site from the streetscene.
- 4.31. Ecology
- 4.32. Objectors have commented that bats have been seen using the mature trees that are to be lost on the site. In response to this a bat survey of all the trees on this site has been carried out. The bat survey inspected the trees to look for any evidence of bat activity concluding that there was no evidence of bats having used the trees for feeding or roosting and therefore could be removed without endangering any protected species. The survey did find an active bird's nest in one of the trees and as such its removal will need to be outside of the bird nesting season, this has been secured through a condition. The building itself is of modern construction and in a good state of repair and as such is not likely to contain any roosting bats – this view has been agreed by the Council's Ecological Officer.
- 4.33. Affordable Housing Provision
- 4.34. Under Local Plan Policy CP7 all new residential schemes should include at least 20% affordable housing. The proposed use would be considered affordable housing and the properties would be managed by a Registered Provider. A condition requiring the units to remain as affordable housing will be attached to secure this in perpetuity.

- 4.35. Impact upon the Special Area of Conservation
- 4.36. The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC), which has internationally protected status under the Regulations for its unique heathland habitat.
- 4.1. Evidence shows that the “in combination” impact of proposals involving a net increase of one or more dwellings within a 15 kilometre radius of the SAC would have an adverse effect on its integrity. The effects comprise additional damage from visitor use and vehicle emissions. So the Local Planning Authority would not be complying with their duty under the Habitat Regulations if planning permissions were granted without appropriate mitigation being secured prior to developments being built. Therefore, applications proposing a net increase in housing development of between 1 and 50 units are subject to a Unilateral Undertaking proposing a financial contribution for mitigation of the impact of the development on the SAC of £450 per dwelling in the 0-8 kilometre zone (which includes the whole of Cannock Chase District apart from Little Wyrley) and £300 per dwelling in the 8-15 kilometre zone.
- 4.2. In this instance the applicant has suggested that the normal SAC contribution would not be required as the proposed residents would suffer from disabilities that would prevent their access to, and regular use of the SAC. The applicant has also argued that the residents are more likely to use the generous amenity space provided on site, further lessening any likelihood of them visiting the SAC.
- 4.3. It is considered that the future residents are less likely to put pressure on the SAC compared to open market housing however it is possible that the occupiers would still make aided visits to the SAC, particularly considering the good quality paths and facilities for physically disabled visitors at the visitor centre. It is agreed that a full contribution may not be necessary and it is recommended that a halved contribution of £225 per dwelling is provided; a total of £4050 for the proposed development.
5. HUMAN RIGHTS ACT
- 5.1. The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.
6. CONCLUSION

- 6.1. The proposed development would replace an existing community facility with a different form of community facility that would assist the community in meeting their needs by housing local people with specific housing needs. The proposed building is of an acceptable size and good quality design to ensure that the proposal enhances the streetscene and would result in an attractive environment. The proposed site layout would have sufficient parking and access arrangements to ensure that there is no likelihood of highway danger. The proposal building would comply with all the amenity standards to protect the amenity of neighbouring residents and overall represents sustainable development of previously developed land and is acceptable and in accordance with Local Plan Policies CP3, CP5, CP7, CP13 and the NPPF.
- 6.2. The application is recommended for approval subject to a S106 contribution of £4050 for SAC mitigation.